

DirectTV attempts to dismiss the Microcom complaint concerning Alaska by calling it "vague and unsupported". In turn the multiple channel television market views DirectTV's service to Alaska as "vague and unsupported". Specifically, only 14 of 26 transponders from the 101 degree orbital position provide reliable service on a 1.8 meter dish to the most populous city in the state, Anchorage. As there is no public list of programming assignments against transponders, we cannot reliably say what programming is available or not available. Based on this performance the vast preponderance of the Alaska market does not view DirectTV as providing a suitable product, including Best Buy and Radio Shack, which do not offer the product in Anchorage, Fairbanks, or Kenai.

DirectTV would have the Commission believe that receiving 14 of 26 transponders on a 1.8 meter dish is comparable service. This flies into the face of logic. DirectTV understands the engineering of their satellite fleet much better than we do. They must defend the engineering of their fleet based on the published geographic service rules. If they do not know their level of service to Alaska based on the engineering design, then it would be further evidence of their willful disregard of the geographic service requirements of their license. The only defense to not providing comparable service is technical, either it can't be done, or it is so expensive as to not be feasible. One other DBS provider has shown that providing service to Alaska is feasible from other orbital slots. The burden of proof is on DirectTV concerning the 101 orbital slot. At this point the market says they don't serve most of Alaska.